United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>COMPOSITIONS AND METHODS FOR INCREASING AMINO ACID ABSORPTION IN MAMMALS</u>.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

 Application Number
 Filing Date

 60/273,263
 March 2, 2001

 60/344,088
 December 26, 2001

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Attorney Docket No.: 1448 009US1

Serial No. not assigned Filing Date: not assigned

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin_1_Nichael Reg. No. 24,916 Greaves, John N. Reg. No. 40,502 Notion, Abin J. Reg. No. 28,505 Aronos (Marvin S. Reg. No. 15,052 Haard, John L. Reg. No. 36,154 Nicholson, Lea N. Reg. No. 15,052 Haard, Sohn L. Reg. No. 36,154 Nicholson, Lea N. Reg. No. 15,052 Red. Reg. No. 15,053 Red. Reg. No. 13,074 Reg. No. 14,074 Reg. No.						
Arona, Suncel Reg No. 42,267 Harras, Robert 1. Reg. No. 37,346 Nulsen, Walter W Reg. No. 32,519 Berdine, Raymond R. Reg. No. 38,377 Berdine, Raymond R. Reg. No. 38,377 Berdine, Raymond R. Reg. No. 38,367 Jurkovich, Patti J Reg. No. 44,813 Parker, J. Kevon Reg. No. 31,002 Berdine, Raymond R. Reg. No. 39,616 Berdine, Marking M. Reg. No. 39,616 Reg. No. 39,616 Reg. No. 39,616 Reg. No. 39,616 Reg. No. 42,331 Reg. No. 40,002 Perdix, Andrew R. Reg. No. 42,331 Reg. No. 40,002 Perdix, Andrew R. Reg. No. 42,315 Reg. No. 42,316 Reg. No. 42,317	Anglin, J. Michael	Reg. No 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Bedeman, Marvin L	Aronoff, Marvin S.		Haack, John L.	Reg No. 36,154	Nicholson, Lea A	
Berdie, Raymond R. Reg No. 39,0769 Jurkovock, Patta J Reg No. 44,813 Parker, I. Kewn Reg No. 31,034 Relistanch Timothy E. Reg No. 39,610 Reg No. 39,610 Relistanch Timothy E. Reg No. 39,610 Reg No. 42,038 Rillhon, Richard E. Reg No. 32,236 Klims. Silberg, Catherne I. Reg. No. 40,052 Pert., Andrew R. Reg No. 41,236 Brennan, Thomas F. Reg No. 42,318 Kluh, Damid J. Reg No. 12,146 Petrason, David C. Reg No. 47,857 Brennan, Thomas F. Reg No. 42,037 Lasy, Rodney L. Reg No. 11,136 Prott., William F. Reg No. 31,958 Charlotte, Robin A. Reg No. 40,025 Lenaire, Charles A. Reg No. 11,136 Prott., William F. Reg No. 31,968 Charlotte, Robin A. Reg No. 16,477 LeMoin, Dana B. Rog No. 40,022 Schwengman, Micheal L. Reg No. 23,816 Clinc, Barban J. Rog No. 10,002 Schwengman, Micheal L. Reg No. 23,816 Clinc, Barban J. Rog No. 40,003 Mats, Robert E. Reg No. 24,822 Smith, Michael G. Reg No. 36,117 Clinc, Barban J. Rog No. 40,004 Reg No. 40,004 R	Arora, Suneel	Reg No. 42,267	Harris, Robert J.	Reg. No 37,346	Nielsen, Walter W	Reg. No. 25,539
Beutie, Raymond R. Reg, No. 39,769 Jurkovneh, Patti J. Reg No. 44,813 Parker, J. Kewin Reg No. 31,004 Reg No. 42,938 Billion, Richard E. Reg, No. 39,610 Reg, No. 32,436 Khima-Silberg, Catherine I. Reg, No. 40,052 Peret, Andrew R. Reg No. 42,938 Billion, Richard E. Reg, No. 42,233 Khuh, Damid J. Reg No. 32,146 Reg No. 42,131 Reg No. 41,136 Protect, Andrew R. Reg No. 41,245 Reg No. 41,136 Protect, Andrew R. Reg No. 47,857 Reg No. 41,136 Protect, Andrew R. Reg No. 34,987 Reg No. 41,136 Protect, Andrew R. Reg No. 34,987 Reg No. 40,831 Reg No. 41,136 Protect, Andrew R. Reg No. 34,987 Reg No. 34,987 Reg No. 40,831 Reg N	Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A	Reg. No. 47,670	Padys, Danny J	Reg. No. 35,635
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Billion, Richard E. Reg No 12,285 Klma-Sibberg, Catherne I. Reg. No 40,032 Peterson, David C Reg No 47,1246 Bletch, David W. Reg. No 42,315 Klath, Damel J. Reg. No 40,052 Prout, William F. Reg. No 33,995 Breaman, Thomas F. Reg. No 16,925 Leaps; Rothey L. Reg. No 41,136 Prout, William F. Reg. No 33,995 Brooks, Edward J. III Reg. No 40,925 Lemaire, Charles A. Reg. No 36,0477 LeMoine, Dana B. Rog. No 40,062 Schwegman, Micheal L. Reg. No 25,816 Clark, Barbara J. Reg. No 36,477 LeMoine, Dana B. Rog. No 40,062 Schwegman, Micheal L. Reg. No 25,816 Clark, Barbara J. Reg. No 40,957 Makt, Peter C. Reg. No 42,832 Smith, Michael G. Reg. No 43,548 Clochran, David R. Reg. No 40,957 Makt, Peter L. Reg. No 42,832 Smith, Michael G. Reg. No 45,368 Cochran, David R. Reg. No 40,957 Makt, Peter L. Reg. No 42,834 Spacer, Gary J. Reg. No 45,368 Dahl, Joho M. Reg. No 40,639 Matex, Robert E. Reg. No 43,543 Spacer, Gary J. Reg. No 45,368 Dahl, Joho M. Reg. No 40,639 Matex, Robert E. Reg. No 45,354 Spacer, Gary J. Reg. No 45,368 Dahl, Joho M. Reg. No 40,639 Matex, Robert E. Reg. No 45,353 Stordal, Leit'T. Reg. No 45,368 Cochran, David R. Reg. No 40,957 Makt. Robert E. Reg. No 45,368 Dahl, Joho M. Reg. No 40,639 Matex, Robert E. Reg. No 45,368 Dahl, Joho M. Reg. No 40,639 Matex, Robert E. Reg. No 45,368 Dahl, Joho M. Reg. No 40,639 Matex, Robert E. Reg. No 45,368 Dahl, Joho M. Reg. No 40,649 McCrackin, Ann. M. Reg. No 45,415 Clare Embretoen, Jamel E. Reg. No 30,317 McGraveth, John M. Crackin, Ann. M. Reg. No 45,415 Capton, Owen J. Reg. No 30,517 McGraveth, John M. McGravet	Bianchi, Timothy E	Reg No. 39,610	Kalis, Janal M	Reg No 37,650	Perdok, Monique M.	Reg No 42,989
Black, David W. Reg. No. 42,331 Klush, Damel J. Reg. No. 32,146 Peront, William F. Reg. No. 31,978 Protoks, Edward J., III Reg. No. 10,925 Lemaire, Charles A. Reg. No. 30,198 Schurm, Sherry W. Reg. No. 33,9422 Chadwick, Robin A. Reg. No. 64,672 LeMoine, Dama B. Reg. No. 30,508 Schurm, Sherry W. Reg. No. 39,422 Chadwick, Robin A. Reg. No. 40,573 Maki, Peter C. Reg. No. 40,652 Cochran, David R. Reg. No. 40,652 Malan, Peter L. Reg. No. 44,844 Spoer, Gary J. Reg. No. 45,458 Cochran, David R. Reg. No. 40,594 Mates, Robert E. Reg. No. 44,844 Spoer, Gary J. Reg. No. 25,816 Cochran, David R. Reg. No. 40,594 Mates, Robert E. Reg. No. 44,854 Spoer, Gary J. Reg. No. 24,645 Malan, Peter L. Reg. No. 44,854 Spoer, Gary J. Reg. No. 24,645 Malan, Peter L. Reg. No. 44,854 Spoer, Gary J. Reg. No. 24,658 Mates, Robert E. Reg. No. 40,594 McCrackin, Ann M. Reg. No. 22,858 Stordal, Leif T. Reg. No. 40,651 Embretson, Junet E. Reg. No. 39,665 McTavsh, Hugh E. Reg. No. 40,534 Torry, Katbbern R. Reg. No. 34,641 Gagnon, Owen J. Reg. No. 30,537 Mchrle, Joseph P. Reg. No. 45,535 Torg, Viet V. Reg. No. 34,416 Gagnon, Owen J. Reg. No. 50,530 Muller, Mark V. Reg. No. 37,599 Woessner, Warren D. Reg. No. 34,416 Gerice, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 37,599 Woessner, Warren D. Reg. No. 34,416 Gerice, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 37,599 Woessner, Warren D. Reg. No. 30,440 Gerice, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 37,599 Woessner, Warren D. Reg. No. 30,440 Gerice, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 37,359 Woessner, Warren D. Reg. No. 34,416 Gerice, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 37,359 Woessner, Warren D. Reg. No. 34,416 Gerice, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 37,359 Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900 Telephone		Reg No. 32,836	Klıma-Sılberg, Catherine I.		Peret, Andrew R	Reg No 41,246
Breman, Thomas F. Reg No 35,075 Lacy, Rothey L Reg No 41,136 Protect. Brooks, Edward J. III Reg No 40,925 Lemaire, Charles A. Reg. No 3,0198 Schurm, Shery W. Reg. No 39,425 Chadwick, Robin A. Reg. No 40,627 LeMoine, Dana B. Reg. No 40,062 Schwegman, Micheal L. Reg. No 25,816 Clark, Barbara J. Reg. No 340,957 Maki, Peter C. Reg. No 42,832 Smith, Michael G. Reg. No 43,568 Clochran, David R. Reg. No 40,957 Maki, Peter C. Reg. No 42,832 Smith, Michael G. Reg. No 43,568 Dahl, John M. Reg. No 46,659 Mates, Robert E. Reg. No 42,834 Speer, Gary J. Reg. No 45,568 Dahl, John M. Reg. No 46,659 Mates, Robert E. Reg. No 43,548 Speer, Gary J. Reg. No 45,568 Dahl, John M. Reg. No 40,660 McCrackin, Am M. Reg. No 45,548 Speer, Gary J. Reg. No 45,568 Dahl, John M. Reg. No 40,660 McCrackin, Am M. Reg. No 42,851 Stordal, Left T. Reg. No 25,179 Drake, Eduardo E. Reg. No 40,650 McCrackin, Am M. Reg. No 48,341 Terry, Kathleen R. Reg. No 45,648 Claron, David R. Reg. No 45,648 McCrackin, Am M. Reg. No 48,341 Terry, Kathleen R. Reg. No 45,648 Claron, Owen J. Reg. No 30,643 Moore, Charles L. Jr. Reg. No 33,742 Viksnins, Am S. Reg. No 45,748 Claron, Owen J. Reg. No 36,434 Moore, Charles L. Jr. Reg. No 33,742 Viksnins, Am S. Reg. No 37,748 Claron, Owen J. Reg. No 36,434 Moore, Charles L. Jr. Reg. No 33,742 Viksnins, Am S. Reg. No 37,748 Claron, Owen J. Reg. No 36,434 Moore, Charles L. Jr. Reg. No 33,742 Viksnins, Am S. Reg. No 37,748 Claron, Owen J. Reg. No 36,434 Moore, Charles L. Jr. Reg. No 33,742 Viksnins, Am S. Reg. No 37,748 Claron, Owen J. Reg. No 41,791 Nama, Kash Reg. No 44,255 Worston, With the person/assignee/attorney/ Educare that I have consented after full disclosure for the reg. No 42,545 Reg. No 44,255 Reg. No 44,					Peterson, David C	Reg No 47,857
Brooks, Edward J., III Reg, No. 40,925 Lemaire, Charles A. Reg. No. 36,1978 Charlems, Sherry W. Reg. No. 39,422 Chadwick, Robin A. Reg. No. 26,4677 LeMoine, Dana B. Reg. No. 40,9062 Schwegman, Michael L. Reg. No. 25,816 Clark, Barban J. Reg. No. 39,8107 Landberg, Steven W. Reg. No. 30,568 Scott, John C. Reg. No. 35,613 Clark, Barban J. Reg. No. 49,579 Makls, Peter C. Reg. No. 43,638 Scott, John C. Reg. No. 35,613 Cochran, David R. Reg. No. 46,632 Malaton, Peter L. Reg. No. 44,894 Speier, Gary J. Reg. No. 45,368 Cochran, David R. Reg. No. 46,632 Malaton, Peter L. Reg. No. 44,894 Speier, Gary J. Reg. No. 45,368 Dahl, John M. Reg. No. 46,632 Malaton, Peter L. Reg. No. 44,894 Speier, Gary J. Reg. No. 45,219 Drake, Edmardo E. Reg. No. 40,594 McCrackin, Ann M. Reg. No. 42,535 Stordal, Leif T. Reg. No. 45,219 Drake, Edmardo E. Reg. No. 39,639 McCrackin, Ann M. Reg. No. 42,535 Stordal, Leif T. Reg. No. 46,213 Gannon, Owen J. Reg. No. 30,837 Mchrie, Joseph P. Reg. No. 45,3314 Terry, Rabileen R. Reg. No. 31,884 Regress, Bradley A. Reg. No. 30,837 Mchrie, Joseph P. Reg. No. 45,331,42 Visinis, Ann S. Reg. No. 31,894 Geric, Gregory J. Reg. No. 35,630 Muller, Mark V. Reg. No. 37,509 Woessner, Warren D. Reg. No. 30,440 Geric, Gregory J. Reg. No. 41,791 Nama, Kash Reg. No. 44,255 Telephone No. (612) 373-6900 Woessner, Warren D. Reg. No. 30,440 Reg. No. 44,255 Telephone No. (612) 373-6900 PLease direct all correspondence in this case to them and by whorn/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MT 55402 P.O. Box 2938 P.O. Children Reg. Market Reg. No. 44,515 P.O. Box 2938 P.O. Children Reg. Market Reg. Reg. No. 44,515 P.O. Box 2938 P.O. Chi	•	-	Lacy, Rodney L	Reg No 41,136	Prout, William F.	
Chadwick, Robin A. Reg. No. 18,107 Lundberg, Steven W. Reg. No. 04,0062 Claix, Barbara J. Reg. No. 38,107 Claix, Barbara J. Reg. No. 38,007 Lundberg, Steven W. Reg. No. 03,0585 Scott, John C. Reg. No. 38,013 Claix, Barbara J. Reg. No. 40,0957 Make, Peter C. Reg. No. 42,332 Smith, Michael G. Reg. No. 43,508 Dahl, John M. Reg. No. 46,4639 Mates, Robert E. Reg. No. 43,258 Dahl, John M. Reg. No. 44,639 Mates, Robert E. Reg. No. 34,548 Dahl, John M. Reg. No. 40,349 McCrackin, Am M. Reg. No. 43,258 Sterfley, Charles E. Reg. No. 25,179 Darke, Edinardo E. Reg. No. 49,394 McCrackin, Am M. Reg. No. 43,248 Embretson, Jamet E. Reg. No. 19,357 Mcfinel, Joseph E. Reg. No. 49,341 Terry, Kathleen R. Reg. No. 31,854 Capron, Owen J. Reg. No. 30,357 Mcfinel, Joseph E. Reg. No. 43,353 Muller, Mark V. Reg. No. 43,314 Garpon, Owen J. Reg. No. 45,353 Muller, Mark V. Reg. No. 34,341 Garpon, Owen J. Reg. No. 41,791 Nama, Kash Reg. No. 44,255 I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/ Firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure fighter are believed tunless/muttl I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below: P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900 Reg. No. 30,444 Reg. No. 43,168 Reg. No. 41,791 Nama, Kash Reg. No. 41,791 Reg. No. 44,255 Reg. No. 41,791 Reg.			• • • • • • • • • • • • • • • • • • • •			
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Dahl, John M. Reg No. 44,639 Mates, Robert E Reg No. 15,271 Steffey, Charles E. Reg. No. 25,179 Drake, Eduardo E Reg. No. 40,594 McCarckin, Ann M. Reg. No. 42,588 Stordal, Leif T. Reg. No. 46,251 Embretson, Janet E. Reg. No. 39,665 McTavsh, Hugh E Reg. No. 48,341 Terry, Kaibleen R. Reg. No. 31,884 Regrest, Bradley A. Reg. No. 30,613 McTavsh, Hugh E Reg. No. 48,341 Terry, Kaibleen R. Reg. No. 31,884 Regrest, Bradley A. Reg. No. 30,613 McTavsh, Hugh E Reg. No. 45,515 Tong, Viet V Reg. No. 45,416 Gainon, Owen J. Reg. No. 36,143 Moore, Charles L., Jr. Reg. No. 33,742 Viksnins, Ann S Reg. No. 37,748 Gegrych, Drosph E. Reg. No. 41,791 Nama, Kash Reg. No. 44,255 Thereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/fitth/organization/who/which first sends/sent this case to them and by whorn/which I hereby declare that I have consented after full disclosure for the person and communicate directly with the person/assignee/attorney/fitth/organization/who/which first sends/sent this case to them and by whorn/which I hereby declare that I have consented after full disclosure for the person and communicate directly with the person/assignee/attorney/fitth/organization/who/which first sends/sent this case to them and by whorn/which I hereby declare that I have consented after full disclosure for the person and communicate directly with the person/assignee/attorney/fitth/organization/who/which first sends/sent this case to them and by whorn/which I hereby declare that I have consented after full disclosure for the person and communicate directly with the person/assignee/attorney/fitth/disclosure for the person and the form of the person and communicate directly with the person/assignee/attorney/fitth/disclosure for the person and communicate directly with the person/assignee/attorney/fitth/disclosure for the person and for the pers					•	
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Attorney Docket No.: 1448.009US1 Serial No. not assigned Filing Date: not assigned

100 mm

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- pending claim patents
 pending claim patents Under this section, information is material to patentability when it is not cumulative to information already of record or being
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

Aprima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (c)
 - Each inventor named in the application:
 - Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.